

EXHIBIT A

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR

DANIEL M. FUNK

ASSOCIATE CITY SOLICITORS

QUIDA C.M. YOUNG

GAYLE A. SMALLEY

ASSISTANT CITY SOLICITORS

RICHARD G. CHMIELINSKI
DONNALYN B. LYNCH KAHN
EILEEN M. MCGETTIGAN
CATHERINE L. FARRELL
MARIE M. LAWLOR
ANGELA BUCHANAN SMAGULA

January 26, 2007

Damon Scarano, Esq.
60 Commercial Wharf
Boston, MA 02110

RE: Lawrence J. Mesite v. Dawn Hough, et al
Case No.: 04-11942 GAO

Dear Mr. Scarano:

I am in receipt of medical records for your client in the above matter from Bridgewater State Hospital for the time period 1991-1992. Please be advised that this production is woefully inadequate and not responsive to the motion to compel or the Court's Order.

The Court stated in its Order on December 19, 2006 that:

[P]laintiff shall by January 31, 2007, produce all medical records as request by the Defendant (emphasis added).

In the motion to compel, Defendants requested, not only the Bridgewater records, but also:

Request No. 2

All documents relating to your physical, mental and emotional condition from 1980 to the present, including but not limited to:

- (a) all hospital reports and other hospital documents; and
- (b) reports, evaluations, or notes from treatment by private physicians, therapists or other health care providers.

Plaintiff responded that he had given Defendants a blanket authorization for these records. Defendants explained (and the Court agreed) that the burden to produce these records was on Plaintiff, not Defendants. Defendants also reminded Plaintiff of numerous health care providers for the relevant time period previously identified by him at his deposition, including:

- * Dr. Bain, Mental Health Center, Waltham, Massachusetts
- * Unidentified clinic in Nashua, New Hampshire
- * McLean's Psychiatric Hospital
- * Dr. Dezen, location unspecified
- * Dr. Frazier, location unspecified
- * Dr. Gerald Abraham, location unspecified
- * Two unnamed doctors in Italy.

To date, none of the medical records set forth in Request No. 2 (served on or about November 22, 2005) have been produced.

Please be advised that if they are not produced by January 31, 2007, Defendants will move to enforce the provision of the Court's Order Finding Plaintiff in default and precluding him from offering proof of any physical or psychological harm resulting from the alleged violations of his rights.

Very truly yours,

Donnalyn B. Lynch Kahn
Assistant City Solicitor

DBLK/dab